

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
vs.	§	CR. NO. A-12-CR-210 SS
	§	
FRANCISCO ANTONIO	§	
COLORADO CESSA (6)	§	

REQUESTED VOIR DIRE

Mr. Francisco Antonio Colorado Cessa respectfully submits the following topics and questions for the Court's voir dire:

A) Individual Voir Dire:

Ask each juror to stand and answer these questions.

1. What jobs have you held in the past?
2. Have you or any family members ever worked for any law enforcement agency?
3. Is your opinion of people from Mexico – Positive, Neutral or Negative?
4. What do you enjoy doing in your spare time?
5. Do you know or recognize anyone else on the panel?
If yes, who and how do you know them?

B) General Questions to the entire panel

1. Mr. Francisco Colorado is the owner of an oil field environmental remediation company in Mexico named ADT. Has anyone on the panel heard of, worked for or done business with ADT?

2. Has anyone on the panel or any of your family members ever worked in the oil field environmental remediation business?
3. Does or has anyone on the panel owned horses?
If yes, briefly describe.
4. Has anyone ever been involved in the horse racing industry in any way?
 - a. If yes, how were you involved?
 - b. Would that experience affect your ability to be a fair and impartial juror in this case?
5. Does anyone on the panel know anyone who works or worked for the Drug Enforcement Administration (DEA), The Federal Bureau of Investigation (FBI), Internal revenue Service (IRS), Homeland Security, or any other federal law enforcement agency?
If yes, please explain your relationship.
6. This case is about allegations relating to laundering drug money. Does anyone on the panel have such strong feelings about drugs that it would affect your ability to be a completely fair and impartial juror?
7. [The next 2 questions I need you to be completely honest but your answer may be quite personal and private. If any juror wants to answer these two question privately, please just let me know and we will take this matter up in a more private setting.]Has anyone on the panel ever had a bad experience with a person from Mexico?

If Yes, what occurred and would that experience affect your ability to be a completely fair and impartial juror in this case?

8. Let me ask this question a different way. Does anyone on the panel have negative opinions of people from Mexico?

If Yes, would the opinion that you hold affect your ability to be a completely fair and impartial juror?

9. Some of the defendants in this case are not fluent in English and will need to use interpreters. Is there anyone on the panel that will hold that against the defendants?
 10. (To any juror who has knowledge or information regarding Los Zetas from the Questionnaire questions 19 -22)
 - a. If yes, as a result of your knowledge or information regarding Los Zetas, have you formed any opinions regarding these defendants or this case?
 - b. If yes, would those opinions affect your ability to be a completely fair and impartial juror in this case?
 11. Since filling out the questionnaire, has anyone heard or read news accounts about any of the defendants? Or this case?
 - a. If yes, based on what you have heard or read, did you form any opinions about the defendants or this case?
 - b. Would those opinions affect your ability to be a completely fair and impartial juror in this case?
 12. Does anyone on the panel feel like your mind is already made up regarding any of the defendants or this case?
- C) Mr. Colorado respectfully requests the Court to voir dire the panel regarding their ability to follow the law in respect to the following general principles:
- 1) Presumption of Innocence.
 - 2) Burden of Proof.
 - 3) BEYOND ANY REASONABLE DOUBT is the highest standard of proof in our American justice system.

4) Define Reasonable Doubt.

5th Circuit Pattern Jury Instruction 1.05 (2012)

The indictment or formal charge against a defendant is not evidence of guilt. Indeed, the defendant is presumed by the law to be innocent. The defendant begins with a clean slate. The law does not require a defendant to prove his innocence or produce any evidence at all and no inference whatever may be drawn from the election of a defendant not to testify.

The government has the burden of proving the defendant guilty beyond a reasonable doubt, and if it fails to do so, you must acquit the defendant. While the government's burden of proof is a strict or heavy burden, it is not necessary that the defendant's guilt be proved beyond all possible doubt. It is only required that the government's proof exclude any "reasonable doubt" concerning the defendant's guilt.

A "reasonable doubt" is a doubt based upon reason and common sense after careful and impartial consideration of all the evidence in the case. Proof beyond a reasonable doubt, therefore, is proof of such a convincing character that you would be willing to rely and act upon it without hesitation in making the most important decisions of your own affairs.

- 5) Burden of Proof remains on the prosecution and never shifts to the defense.
- 6) Indictment is not evidence.
- 7) Explain the Grand Jury process and that defense is not entitled to participate in that process (no judge is present, can't make an Opening Statement, can't cross-examine witnesses, etc.).
- 8) Greater scrutiny of witnesses who have agreed to testify for the Government.
- 9) Jury cannot hold it against any defendant who elects not to testify.

- 10) Lawyers have a duty to object.
- 11) Jury must consider each defendant separately.
- 12) Being a good citizen means serving as a juror. Being a good citizen also means not serving as a juror if this is not the right case for them.
- 13) We ask that the Judge tell the jurors that he wants and expects jurors to speak up if they cannot be completely fair and impartial or if they have already formed any opinions about any of the Defendants or this case.

Respectfully submitted,

/s/ Mike DeGeurin
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**ATTORNEY IN CHARGE FOR
DEFENDANT COLORADO CESSA**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent to all parties via electronic notification on this the 8th day of April 2013.

/s/ Mike DeGeurin
MIKE DEGEURIN